

Chapter 1431. Interim Development Control Overlay Districts.

§ 1431-01.	PURPOSE.....	230
§ 1431-03.	APPLICABILITY AND ZONING MAP DESIGNATOR.....	230
§ 1431-05.	ESTABLISHMENT OF IDC OVERLAY DISTRICTS.....	230
§ 1431-07.	IDC APPLICATION REVIEW GUIDELINES.....	231
§ 1431-09.	THREE-MONTH IDC OVERLAY DISTRICTS.....	231
§ 1431-11.	ONE-YEAR IDC OVERLAY DISTRICTS.....	231
§ 1431-13.	EXTENSION OF IDC OVERLAY DISTRICTS.....	232
§ 1431-15.	APPLICATIONS SUBJECT TO REVIEW.....	232
§ 1431-17.	STANDARDS FOR REVIEW.....	233
§ 1431-19.	REVIEW OF PERMIT APPLICATIONS.....	233
§ 1431-21.	APPEALS.....	234

§ 1431-01. Purpose.

The Interim Development Control (IDC) Overlay District is intended to temporarily regulate the establishment of uses, construction of new buildings and demolition or alteration of existing structures in areas where the adoption of amendments to the Cincinnati Zoning Code have been proposed in a comprehensive plan, community plan, urban design plan or urban renewal plan approved by the City Planning Commission.

§ 1431-03. Applicability and Zoning Map Designator.

An IDC Overlay District may be applied to any district. It is adopted as an amendment to the Zoning Map. This Overlay District is shown on the zoning map by an IDC designator applied to the base district designation. Where inconsistencies exist between the IDC Overlay District regulations and other provisions of the Cincinnati Zoning Code and the Municipal Code, the IDC Overlay District regulations apply.

§ 1431-05. Establishment of IDC Overlay Districts.

After receiving an affirmative recommendation from the City Planning Commission, Council may establish an IDC Overlay District on finding that:

- (a) **Proposed Amendments.** Map amendments to the Cincinnati Zoning Code have been proposed in a comprehensive plan, urban design or urban renewal plan or community plan approved by the City Planning Commission or zoning text amendments are being considered by the City Planning Commission.
- (b) **Study and Review.** The proposed amendments may substantially affect permitted uses in the area of consideration and will require the study and review by the City Planning Commission, city administration and Council prior to adoption.

- (c) **Public Interest.** The protection of the public interest requires that interim development controls be imposed during the period of study and review by the City Planning Commission.

§ 1431-07. IDC Application Review Guidelines.

The ordinance to adopt an IDC Overlay District must:

- (a) **Applications Subject to Review.** Specify which of the following permit applications are to be reviewed by the City Planning Commission. The applications may include:
 - (1) Building permits for new construction, demolition of existing structures, exterior or interior alterations or additions to existing structures and changes in use.
 - (2) Building permits for signs.
 - (3) Building permits for site improvements.
 - (4) Permits for the construction or reconstruction of streets or sidewalks.
 - (5) Subdivision improvement plans.
 - (6) Excavation and fill permits.
 - (7) Certificate of Compliance.
- (b) **Application Review Guidelines.** Adopt application review guidelines for each application subject to review specified in § 1431-15 for the purposes of providing the City Planning Commission with criteria for the exercise of its authority, as granted in this chapter.
- (c) **Administrative Review.** Designate the city department, division, or official responsible for conducting the administrative review of these applications.

§ 1431-09. Three-Month IDC Overlay Districts.

Council may establish IDC Overlay Districts to remain in effect for three months without prior notice, advertisement or public hearing. The Director of Community Development and Planning has the duty to give notice of the establishment of the district and the time and place of a public hearing on the extension of the district for an additional nine-month period within ten business days of the establishment of an IDC Overlay District, by placing an advertisement in a newspaper of general circulation and, if less than 100 parcels of property are within the district, by sending the notice to all owners of record.

§ 1431-11. One-Year IDC Overlay Districts

Council may establish IDC Overlay Districts to remain in effect for one year, or extend IDC Overlay Districts established pursuant to § 1431-09 for nine additional months if notice has been given and a public hearing held in accordance with § 111-1, Hearings on Zoning Amendments, of the Municipal Code and on finding that:

- (a) **Ongoing Study.** The City Planning Commission is studying proposed Cincinnati Zoning Code or map amendments that would affect the area within the IDC District;
- (b) **Study Completion.** The study is not yet completed, but may reasonably be expected to be completed and Cincinnati Zoning Code amendments enacted within the year; and
- (c) **Inconsistent Uses.** There is a prospect of changes in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

§ 1431-13. Extension of IDC Overlay Districts.

Council may extend the duration of an IDC Overlay District by an additional six months, provided that an IDC Overlay District may not remain in effect for more than two years from the date it was first established. Notice is to be given and a public hearing held in accordance with § 111-1, Hearings on Zoning Amendments, of the Municipal Code prior to the adoption of any IDC Overlay District extension. Council may only adopt an IDC Overlay District extension after receiving an affirmative recommendation from the City Planning Commission and finding that:

- (a) **Complex Study.** The study of the proposed amendment to the Cincinnati Zoning Code or map that would affect the allowable land uses within the IDC Overlay District has proven to be extraordinarily complex by reason of unusual geographic, physical or social conditions in the district;
- (b) **Study Incomplete.** The City Planning Commission has not yet completed the consideration of the proposed Cincinnati Zoning Code map amendments that would affect the allowable land uses within the IDC Overlay District; and
- (c) **Inconsistent Uses.** There is a prospect of change in use, construction of new structures or alteration or demolition of existing structures that would be inconsistent with preliminary objectives or findings for the area approved by the City Planning Commission.

§ 1431-15. Applications Subject to Review.

The City Planning Commission has the duty to review applications in an established IDC Overlay District as specified in the ordinance that enacted the IDC Overlay District.

A permit made subject to review pursuant to the ordinance establishing the IDC District may not be issued unless approved by the City Planning Commission.

§ 1431-17. Standards For Review.

The administrative reviewer appointed pursuant to subparagraph 1431-7(c) has the duty to prepare an advisory report that evaluates whether the proposed work is in compliance with the application review guidelines adopted. The administrative reviewer has the duty to file the report with the City Planning Commission within 15 business days of the date of application.

The City Planning Commission may approve applications in an established IDC Overlay District if the proposed work is in compliance with the application review guidelines adopted pursuant to subparagraph 1431-7(b), on finding that:

- (a) **Proposed Work Permitted by Current and Proposed Zoning.** The proposed work is permitted or conditionally permitted in the base district, conforms to all standards and performance criteria of the Cincinnati Zoning Code and does not conflict with any proposed amendment to the Cincinnati Zoning Code then under consideration by the City Planning Commission or Council.
- (b) **Proposed Work Compatibility.** The proposed work is compatible with the predominant or prevailing land use, building and structure patterns in the surrounding neighborhood and community.
- (c) **No Detrimental Effect to the Public.** The proposed work is not detrimental to the public peace, health, safety or general welfare.
- (d) **No Adverse Effect on Adjoining Properties.** The proposed work has no adverse effect on the access to the property for fire and police protection and adequate public facilities and services, access to light and air from adjoining properties, traffic conditions, transportation requirements and facilities or development and use of adjacent land, structures and buildings.

§ 1431-19. Review of Permit Applications.

After receiving an advisory report from the administrative reviewer, the City Planning Commission has the duty to consider applications for permits as follows:

- (a) **Public Hearing.** The City Planning Commission has the duty to hold a public hearing on the application within 30 days of receiving the advisory report prepared pursuant to § 1431-17. Notice of the hearing must be sent to the applicant, owners of record of adjoining properties and any person requesting notice. Notice must be published in the City Bulletin in advance of the hearing. Testimony at the hearing will be taken under oath and

recorded and the reviewer responsible for preparing the advisory report must appear. The applicant is permitted to be heard in person or through an attorney and may present evidence and cross-examine opposing witnesses.

- (b) **Exceptions From Underlying Zone District Regulations.** The City Planning Commission may grant exceptions from the underlying zone district regulations other than those relating to use, maximum number of dwelling units and maximum floor area ratio, when the exceptions are consistent with the application review guidelines adopted pursuant to § 1431-07 and the standards for review set forth in § 1431-17.
- (c) **Decision of The City Planning Commission.** The City Planning Commission has the duty to make a decision on the application within 14 days of the close of the public hearing. The application may be approved, subject to conditions necessary to ensure that the development plan is lawful and in the public interest. If the application is disapproved, the reasons must be stated in writing as findings of fact and conclusions of law. The failure of the proposed work to conform with any single factor is not necessarily a sufficient basis for denial. The City Planning Commission has the duty to approve an application that maximizes both the public interest and private benefits generally. The City Planning Commission has the duty to send its conclusions to the applicant, appropriate city officials and others who request a copy.

§ 1431-21. Appeals.

Any adversely affected person may appeal a decision of the City Planning Commission made pursuant to this chapter to Council pursuant to the provisions of § 111-3, Appeals to Council, of the Municipal Code. The notice of appeal must be filed with the Clerk of Council within 30 days of the mailing of the City Planning Commission's decision to the applicant. Those "adversely affected" include the applicant or any other person, organization or association, who appeared before the City Planning Commission personally, by representative or in writing and expressed a position contrary to the decision of the City Planning Commission.